

# The Gazette of India



## EXTRAORDINARY

### PART II—Section 3

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#### MINISTRY OF STATES

#### NOTIFICATION

*New Delhi, the 31st March 1954*

**S.R.O. 1032.**—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Kutch, the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953 (Bombay Act No. IV of 1953) and the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953 (Bombay Act No. LXI of 1953), as at present in force in the State of Bombay, subject to the following modifications, namely:—

#### MODIFICATIONS

I. In the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953—

(i) Section 2 shall be omitted;

(ii) In section 3 for the words and figure "In section 4 of the said Act" the words and figures "In section 4 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 as extended to the State of Kutch" shall be substituted;

(iii) Section 4 shall be omitted.

II. In the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953—

(i) in section 1, for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) It shall come into force at once."

(ii) in section 2 after the figures "1947" the words "as extended to the State of Kutch" shall be inserted

(iii) Section 6 shall be omitted.

(iv) in section 7, sub-section (3) of section 10C shall be omitted;

(v) in section 17—

(a) in sub-section (1) in clause (II) of the proviso to sub-section (1) of section 29, the following shall be omitted, namely:—

"(i) where such suit or proceeding is instituted in Greater Bombay, Rs. 3,000, and

(ii) where such suit or proceeding is instituted elsewhere."

(b) sub-section (2) shall be omitted.

#### ANNEXURE

The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953 (Bombay Act No. IV of 1953) and the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953 (Bombay Act No. LXI of 1953) as amended by this notification.

## BOMBAY ACT No. IV OF 1953

*An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.*

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953.

3. In section 4 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 as extended to the State of Kutch, after sub-section (3), the following sub-section shall be added and be deemed always to have been added, namely:—

“(4) (a) The expression “premises belonging to the Government or a local authority” in sub-section (1) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, not include a building erected on any land held by any person from the Government or a local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be; and,

(b) notwithstanding anything contained in section 15 such person shall be entitled to create a tenancy in respect of such building or a part thereof.”

## BOMBAY ACT No. LXI OF 1953

*An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.*

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953.

(2) It shall come into force at once.

2. In section 3 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 as extended to the State of Kutch hereinafter referred to as the said Act, in sub-section (2), for the figures “1954” the figures “1959” shall be substituted.

3. In section 4 of the said Act, in sub-section (2), for the words beginning with the words “to premises” and ending with the words “for such purpose” the following shall be substituted, namely:—

“(i) to premises used for a public purpose of a charitable nature or to any class of premises used for such purpose;

(ii) to premises held by a public trust for a religious or charitable purpose and let at a nominal or concessional rent; or

(iii) to premises held by a public trust for a religious or charitable purpose and administered by a local authority.”

4. After section 4 of the said Act, the following section shall be inserted, namely:—

“4A. *Power of State Government to issue orders in respect of premises belonging to local authority.*—Notwithstanding anything contained in this Act, the State Government may from time to time by a general or special order direct that the exemption granted to a local authority under sub-section (1) of section 4 shall be subject to such conditions and terms as it may specify either generally or for special reasons in any particular case and such conditions and terms shall be applicable to the premises belonging to the local authority with effect from such date either before or after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953 (Bom. LXI of 1953), as the State Government may in its discretion determine.”

5. In section 5 of the said Act,—

(1) in clause (2), after the word “is” the words “by way of business” shall be inserted;

(2) in clause (11), after sub-clause (a) the following sub-clause shall be inserted, namely:—

“(aa) any person to whom interest in premises has been transferred under the proviso to section 15;”.

7. After section 10B of the said Act, the following sections shall be inserted, namely:—

“10C. *Increase in rent excepted.*—(1) A landlord shall also be entitled to make an increase in the rent of premises referred to in column 1 which were let on or before the first day of September 1940 by an addition to the rent at the rates specified against them in column 2 below:—

1	2
(1) Residential premises the rent of which does not exceed Rs. 20 per month.	Not exceeding 5 per cent. of the standard rent.
(2) Residential premises the rent of which exceeds Rs. 20 per month but does not exceed Rs. 80 per month.	Not exceeding $7\frac{1}{2}$ per cent. of the standard rent.
(3) Residential premises the rent of which exceeds Rs. 80 per month.	Not exceeding 10 per cent. of the standard rent.
(4) Non-residential premises other than those specified in items (5) and (6) below:—	
(a) the rent of which does not exceed Rs. 50 per month.	Not exceeding $7\frac{1}{2}$ per cent. of the standard rent.
(b) the rent of which exceeds Rs. 50 per month.	Not exceeding $12\frac{1}{2}$ per cent. of the standard rent.
(5) Premises interest in which may be transferred under the proviso to section 15 as incidental to the sale of a business together with the stock-in-trade and good-will thereof.	Not exceeding 25 per cent. of the standard rent.
(6) Premises used for the purposes of a cinema.	Not exceeding 50 per cent. of the standard rent.
(2) Any increase under sub-section (1) shall not be deemed to be an increase for the purposes of section 7.	

*Explanation.*—For the purposes of sub-section (1), the expression “premises” shall have the same meaning as is assigned to it in sub-clause (b) of clause (8) of section 5.

10D. *Increase in rent on account of repairs excepted.*—(1) Subject to the provisions of sub-sections (2) and (5) and notwithstanding anything contained in section 9, a landlord shall further be entitled to make an increase in the rent of premises by an addition to the rent, in the manner prescribed, of an amount not exceeding five per cent. per annum of the expenses incurred on account of special or heavy repairs or special additions to premises or special alterations made therein or additional amenities provided for the premises or on account of improvements or structural alterations made under section 9:

Provided that the increase permitted by this sub-section shall not, in respect of improvements or structural alterations, be in addition to the increase already made under section 9 and shall after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, be in substitution of the reasonable increase permitted under that section, notwithstanding anything contained therein.

(2) Before making any increase under sub-section (1), the landlord shall obtain a certificate from the local authority that he was required by it to make or to provide such repairs, additions, alterations, improvements or amenities and has completed them in conformity with its requirements or shall obtain the consent in writing of the tenant or of majority of tenants occupying the premises in the building.

(3) Any increase under sub-section (1) shall not be deemed to be an increase for the purposes of section 7.

(4) If a landlord, when required by a local authority to execute the work of any such, repairs, additions, improvements, alterations, or amenities, fails to do so, the tenant or the tenants interested in such work may seek the approval of the local authority for executing such work. The local authority shall grant the approval unless other measures are taken by it to execute the said work. While granting the approval, the local authority shall specify the nature of the work and the estimated cost thereof which shall for all purposes be binding on the landlord. Upon such approval being granted, the tenants shall be entitled to execute the said work and to deduct the amount of the expenses thereof from the rent which from time to time becomes due by them to the landlord or otherwise recover such amount from him:

Provided that where such work is jointly executed by the tenants the amount to be deducted or recovered by each tenant shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such work:

Provided further that the total amount so deducted or recoverable shall not exceed the estimated cost specified by the local authority.

(5) In respect of any work executed by the tenants under sub-section (4) the landlord shall not be entitled to make the increase permitted under sub-section (1).

*Explanation.*—For the purposes of this section, the expression "local authority" shall include the Municipal Commissioner."

8. In section 12 of the said Act,—

(1) for sub-section (3), the following shall be substituted, namely:—

"(3) (a) Where the rent is payable by the month and there is no dispute regarding the amount of standard rent or permitted increases, if such rent or increases are in arrears for a period of six months or more and the tenant neglects to make payment thereof until the expiration of the period of one month after notice referred to in sub-section (2), the Court may pass a decree for eviction in any such suit for recovery of possession.

(b) In any other case, no decree for eviction shall be passed in any such suit if, on the first day of hearing of the suit or on or before such other date as the Court may fix, the tenant pays or tenders in Court the standard rent and permitted increases then due and thereafter continues to pay or tender in Court regularly such rent and permitted increases till the suit is finally decided and also pays costs of the suit as directed by the Court.";

(2) after sub-section (3) and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(4) Pending the disposal of any such suit, the Court may out of any amount paid or tendered by the tenant pay to the landlord such amount towards payment of rent or permitted increases due to him as the Court thinks fit."

9. In section 13 of the said Act,—

(1) in sub-section(1),—

(a) in clause (g), after the words "are held" the words "or where the landlord is a trustee of a public charitable trust that the premises are required for occupation for the purposes of the trust" shall be inserted;

(b) after clause (hh), the following clause shall be inserted, namely:—

"(hhh) that the premises are required for the immediate purpose of demolition ordered by any local authority or other competent authority; or";

(c) in clause (i), the word "residential" shall be deleted;

(d) after clause (i), the following clause shall be inserted, namely:—

"(ii) that where the premises are land in the nature of garden or grounds appurtenant to a building or part of a building, such land is required by the landlord for the erection of a new residential building which a local authority has approved or permitted him to build thereon";

(2) in the *Explanation* below sub-section (2), clause (a) and the proviso shall be deleted;

(3) in sub-section (3A), in clause (a),—

(i) after the word "shall" the words "subject to the provision of any rules, by-laws or regulations made by a local authority," shall be inserted;

(ii) for the word "three", wherever it occurs, the word "two" shall be substituted;

(4) in sub-section (3B), sub-clause (ii) of clause (b) shall be deleted.

10. In section 16 of the said Act, for sub-section (2) the following shall be substituted, namely:—

"(2) If the tenant delivers possession on or before the date specified in the decree the landlord shall, two months before the date on which the work of repairs is likely to be completed, give notice to the tenant of the date on which the said work shall be completed. Within fifteen days from the date of receipt of such notice, the tenant shall intimate to the landlord his acceptance of the accommodation offered and deposit with the landlord rent for one month. If the tenant gives such intimation and makes the deposit, the landlord shall, on completion of the work of repairs, place the tenant in occupation of the premises or part thereof on the original terms and conditions. If the tenant fails to give such intimation and to make the deposit, the tenant's right to occupy the premises shall terminate."

11. In section 17B of the said Act, to the proviso to clause (a) the following shall be added, namely:—

"unless the landlord obtains an order of the Court fixing the standard rent in respect of the tenement at a higher rate."

12. In section 19 of the said Act, in sub-section (1),—

(1) at the beginning, the words and figures "Save in cases provided for under the proviso to section 15," shall be inserted;

(2) after the words "the relinquishment" the words "transfer or assignment" shall be inserted.

13. In section 21 of the said Act, in sub-section (2), for the words "shall be punishable" the words "shall, on conviction, be punished" shall be substituted.

14. In section 22 of the said Act, in sub-section (2) for the words "shall be punishable" the words "shall, on conviction, be punished" shall be substituted.

15. In section 23 of the said Act, for sub-section (2), the following shall be substituted, namely:—

"(2) If the landlord neglects to make any repairs, which he is bound to make under sub-section (1), within a reasonable time after a notice is served upon him by post or in any other manner by a tenant or jointly by tenants interested in such repairs, such tenant or tenants may themselves make the same and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that where the repairs are jointly made by the tenants the amount to be deducted or recovered by each tenant shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such repairs:

Provided further that the amount so deducted or recoverable in any year shall not exceed one-sixth of the rent payable by the tenant for that year.

(3) For the purpose of calculating the expenses of the repairs made under sub-section (2), the accounts together with the vouchers maintained by the tenants shall be conclusive evidence of such expenditure and shall be binding on the landlord."

16. In section 24 of the said Act,—

(1) in sub-section (3), after the words "be liable" the words "upon a further direction by the Court to that effect" shall be inserted;

(2) the *Explanation* shall be numbered as *Explanation I* and after the *Explanation* so numbered the following *Explanation* shall be added, namely:—

"*Explanation II.*—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority."

17. In section 29 of the said Act.—

(1) to sub-section (1), the following proviso shall be added, namely:—

“Provided that no such appeal shall lie from—

(I) a decree or order made in any suit or proceeding in respect of which no appeal lies under the Code of Civil Procedure, 1908 (V of 1908).

(II) a decree or order made in any suit or proceeding (other than a suit or proceeding relating to possession) in which the plaintiff seeks to recover rent and the amount or value of the subject-matter of which does not exceed—

(ii) the amount up to which the Judge or Court specified in clause (b) is invested with jurisdiction of a Court of Small Causes, under any law for the time being in force;

(III) an order made upon an application for fixing the standard rent or for determining the permitted increases in respect of any premises except in a suit or proceeding in which an appeal lies;

(IV) an order made upon an application by a tenant for a direction to restore any essential supply or service in respect of the premises let to him.”;

18. In section 39 of the said Act, after clause (b) the following clause shall be inserted, namely:—

“(b) the lodger is habitually irregular in making payment of the charges for board, lodging or other service provided in the hotel or lodging house;”

19. In section 43 of the said Act, in sub-section (2), for the words “a copy of such order upon the manager” the words “the order upon the lodger and a copy thereof upon the manager” shall be substituted.

20. In section 49 of the said Act, in sub-section (2), before clause (i) the following clause shall be inserted, namely:—

“(ai) the manner in which addition to the rent shall be made under sub-section (1) of section 10D;”.

[No. 32-J.]

J. C. GHOSAL, Under secy.